

DOCKET NO.: MSFT-0186/154572.01
Application No.: 09/604,939
Office Action Dated: February 9, 2005

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

Amendments to the Drawings

The attached sheet(s) of drawings includes changes to Fig(s) 1-10. The sheet(s), which includes Fig(s) 1-10, replaces the original sheet(s) including Fig(s) 1-10.

Attachment: Replacement Sheet(s)

REMARKS

Claims 14-28 and 37-44 are pending in this case. Following entry of the amendment, claims 14, 16, 19, 21, 24, 37, and 41 will have been amended.

Applicants respectfully submit the grounds for rejection stated in the February 9, 2005 Office Action/Final Rejection are moot in view of the claim amendments. In particular, applicants would like to direct the Examiner's attention to the following features, which applicants believe define over the applied prior art.

Independent claims 14, 21, and 37

Independent claims 14, 21, and 37, as amended, recite various features relating to the relationships between, and use of, various types of cryptographic keys. For example, claim 14, as amended, recites that each one of a plurality of download servers receives a request for a content item, where the requests comprises:

- encrypted data
- that represents a public key associated with a user from whom said request is received and an identification of said content item
- where the request was generated at a first server with which the user has previously engaged in a transaction to purchase the content item
- where the encrypted data was encrypted with a first key
- where the first key is shared between download and fulfillment servers, but not with the user
- where the encrypted data includes a second key that is used to decrypt the content item
- where the second key is in a form encrypted by a public key associated with the user

Neither the Basani, Vange, or Dievendorff references applied in the most recent Office Action teach these features. In particular, neither Vange nor Dievendorff explicitly mentions cryptography, and Basani mentions cryptography only in passing to note that standard cryptographic hash functions and ciphers exist. (See Basani, col. 10, ll. 58-65.) The use of cryptographic – especially the particular types of items that are encrypted with

particular keys, the relationships between keys, and the features relating to which entities are aware of which keys, are not discussed at all in any of these references.

While claims 21, and 37 are not identical in either language or scope, it should be noted that these claims recite cryptographic features. For the reasons noted above, these cryptographic features are not found in the applied prior art.

Notwithstanding the fact that the applied prior art references make little or no mention of cryptography, applicants point out that they do not intend to rely on cryptography in general as a point of novelty in the amended claims. Rather, applicants respectfully submit that the use of cryptography and cryptographic keys in the particular manner recited in the claims defines over the prior art. Applicants request that the Examiner consider these feature relating to cryptography, as recited in the independent claims.

For these reasons, applicants respectfully submit that claim 14, 21, and 37 define over the applied art.

Claim 16

Claim 16, as amended, is dependent on claim 14, and further recites that the user has engaged in a purchase transaction with a first server, where the first server includes functionality to determine whether to generate the request or not to generate the request depending on whether the user has completed said purchase transaction. Since claim 16 is dependent on claim 14, claim 16 incorporates the above-discussed features concerning the first server's relationship to the request and knowledge of a certain key.

Applicants respectfully submit that none of the applied references teach or suggest engaging in a purchase transaction with a server that is capable of deciding whether or not to generate a request for a content item. It should be noted that, in the present application, the sale of the content item to the user is completed by giving the user a request (e.g., a link) that allows the user to download the content item. While the Vange reference arguably describes "purchases," it does not teach or suggest that a request is either created or not created depending on whether a purchase transaction has been completed.

For these reasons, applicants respectfully submit that claim 16 defines over the art of record.

Claims 19 and 24

Claims 19 and 24, as amended, recite limits as to the number of machines on which a public key associated with a user can be installed. The applied prior art does not teach or suggest limits on the number of machines on which a public key can be installed. As noted above, the applied prior art makes little or no mention of cryptography at all.

With regard to limits on the number of devices on which a public key can be installed, applicants direct the Examiner's attention to U.S. Patent Application 09/604,222, which is cited in the communication dated October 22, 2004, and in which the subject of certain types of limits has been the subject of an office action on the merits, and in which the following references were applied: U.S. Patent Nos. 6,029,046 to Kahn; 6,035,403 to Subbiah; and 5,983,273 to White – all of which were cited in the October 7, 2004 IDS and have been initialed and considered by the Examiner. Applicants do not believe that the '222 application bears directly on this case, since the present claims recite a different combination of features than were presented in the '222 case. However, applicants note the '222 case for the Examiner's consideration.

For these reasons, applicants respectfully submit that claims 19 and 24 define over the applied prior art.

Claim 41

Claim 41 is dependent on claim 37, and has been amended merely to refer to an antecedent term that was introduced into claim 37 by way of amendment.

No new matter

The amendments to the claims do not add new matter. The amendments to the claims are supported at least by Figs. 4 and 7 (e.g., steps 168; 170-184); and Fig. 5 (e.g., element 74).

Drawing amendments

Revised formal drawings have been submitted herewith, and it is respectfully submitted that the revised drawings respond to the draftsperson's objections.

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Conclusion

Claims 14, 16, 19, 21, 24, and 37, as amended, have been shown to be patentable over the applied prior art, and the remaining pending claims are patentable at least by reason of their dependency. For all the foregoing reasons, applicants respectfully submit that this case is in condition for allowance, and request that the Examiner enter the after final amendment, withdraw the Final Rejection, and issue a Notice of Allowance.

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